

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-51057 of 2019.

Decided on:- December 05, 2019.

Raghvinder @ Bittu.

.....Petitioner.

Versus

The State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Gautam Dutt, Advocate for
Mr. Karan Pathak, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

Mr. Sunny Bhardwaj, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.791 dated 20.09.2019 under Sections 304-B and 328 read with Section 34 IPC (charges framed under Sections 306 and 498-A IPC registered at Police Station Bhiwani Sadar, District Bhiwani.

Learned counsel for the petitioner states that initially, the aforesaid FIR was registered under Sections 304-B and 328 read with Section 34 IPC, however, charge in the case has been framed under Sections 306 and 498-A IPC. The petitioner is in custody since 28.09.2019 and to his

information, the complainant, while appearing in the witness box, has not support the prosecution case, rather, declared hostile.

Learned State counsel, on instructions from ASI Raj Kumar, does not dispute the aforesaid fact.

Power of attorney filed on behalf of the complainant in Court, is taken on record.

I have heard learned counsel for the parties.

The petitioner is in custody since 28.09.2019. The complainant has not supported the case of the prosecution. Therefore, when the culpability of the petitioner is yet to be decided during the trial, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

December 05, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No